

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 14 CR 287
)	
vs.)	
)	Hon. Martha M. Pacold
JAMES J. CARROLL,)	
)	
Defendant.)	

MOTION TO EXTEND REPORT DATE (OPPOSED)

Defendant James J. Carroll, by and through his attorney, hereby respectfully requests that the Court enter an order extending his Bureau of Prisons Report Date ninety days, or until the Court rules on the merits of his motion under section 2255 to vacate or set aside his sentence, whichever is sooner. In support of this motion, Carroll states as follows:

1. On September 9, 2022, Carroll was sentenced to forty-one months in prison. (Dkt. 443.) Carroll is due to report to the BOP on March 3, 2024. (Dkt. 487.)
2. On February 16, 2023, Carroll moved under 28 U.S.C. § 2255 to vacate or set aside his sentence, on the ground that his Sixth Amendment rights under the Constitution of the United States were violated. (*See* Case No. 23-cv-963, Dkt. 1.) Specifically, Carroll contends that his counsels' performances leading up to and during sentencing fell below an objective standard of reasonableness, and that these failures resulted in Carroll receiving a higher sentence than he would have otherwise received.

3. Carroll has asked this Court to vacate or set aside his sentence and set a new sentencing hearing.

4. The government responded to Carroll's section 2255 motion on May 5, 2023, and Carroll replied on May 24, 2023. (Case No. 23-cv-963, Dkt. 8, Dkt. 13.) The motion is now fully briefed and ready for a ruling from the Court.

5. Carroll requests that the Court extend his report date once more, for ninety days, or until the Court rules on the merits of his section 2255 motion, whichever is sooner. *See United States v. Vandenwildenberg*, No. 07-CR-155, 2008 WL 508697, at *1 (E.D. Wisc. Feb. 22, 2008) (concluding that the district court retains inherent authority to extend a defendant's report date "for good cause and within reasonable limits"); *United States v. Arthur*, No. 04-CR-122, 2007 WL 81879, at *2 (E.D. Wisc. Jan. 8, 2007) (extending the defendant's report date after having allowed voluntary surrender to the institution designated by the BOP).¹

6. The reasons for Carroll's request are the same as those set forth in his previous motions for an extension of time and reply in support thereof, (Dkt. 467, Dkt. 472, Dkt. 478, Dkt. 483, Dkt. 486), and the Court should grant this extension for the same reasons it granted those motions. (Dkt. 473, Dkt. 479, Dkt. 484, Dkt. 487.) Ninety days is a "reasonable extension[.]" and it gives the Court additional time to review the parties' briefing. (Dkt. 473, Dkt. 479, Dkt. 484, Dkt. 487.)

¹ For the reasons outlined in its Reply in Support of his Motion to Extend the Report Date (Dkt. 472), *Cherek v. United States*, 767 F.2d 335 (7th Cir. 1985), does not apply to this case. If it did, however, Carroll can meet its requirements, again as argued in his Reply. (Dkt. 472.)

7. As stated in earlier motions, Carroll pleaded guilty on February 3, 2016, and he has had no issues in the six years he awaited sentencing. (Dkt. 130, Dkt. 443.) He has no other criminal history, and he currently works two jobs. (See Dkt. 360.)

8. Counsel has spoken to the Assistant United States Attorney assigned to the case, who advised that the government continues to oppose any extensions for the same reasons as set forth in its brief filed on February 24, 2023. (Dkt. 471.)

WHEREFORE, Defendant James J. Carroll asks this Court to grant his motion to extend his BOP report date ninety days, or until the Court rules on the merits of his motion under section 2255 to vacate or set aside his sentence, whichever is sooner.

Dated: February 12, 2024

Respectfully submitted,

/s/ Katie Krickbaum
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